

WILLIAM H. PRUITT, ESQ.
Nevada Bar No. 6783
JOSEPH R. MESERVY, ESQ.
Nevada Bar No. 14088
BARRON & PRUITT, LLP
3890 West Ann Road
North Las Vegas, Nevada 89031-4416
Telephone: (702) 870-3940
Facsimile: (702) 870-3950
Email: BPruitt@lvnlaw.com
Attorneys for Defendant,
Smart Industries Corporation

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WESCO INSURANCE COMPANY as subrogee
of its insured NICKELS AND DIMES
INCORPORATED,

Plaintiff,

vs.

SMART INDUSTRIES CORPORATION dba
SMART INDUSTRIES CORP., MFG., an Iowa
corporation,

Defendants.

Case No.: 2:16-cv-01206-JCM-EJY

**CONSOLIDATED FOR PURPOSES OF
DISCOVERY AND TRIAL**

JENNIFER WYMAN, individually; BEAR
WYMAN, a minor, by and through his natural
parent JENNIFER WYMAN; JENNIFER
WYMAN and VIVIAN SOOF, as Joint Special
Administrators of the ESTATE OF CHARLES
WYMAN; and SARA RODRIGUEZ natural
parent and guardian ad litem of JACOB WYMAN,

Plaintiffs,

vs.

SMART INDUSTRIES CORPORATION dba
SMART INDUSTRIES CORP., MFG, an Iowa
Corporation; HI-TECH SECURITY INC, a
Nevada Corporation; WILLIAM ROSEBERRY;
BOULEVARD VENTURES, LLC, a Nevada
Corporation; DOES 1 through 10; BUSINESS
ENTITIES I through V; and ROE
CORPORATIONS 11 through 20, inclusive,

Case No.: 2:16-cv-02378-JCM-EJY

STIPULATION AND ORDER

Defendants.

HI-TECH SECURITY INC; and WILLIAM
ROSEBERRY,

Third-Party Plaintiffs,

vs.

NICKELS AND DIMES INCORPORATED,

Third-Party Defendants.

IT IS HEREBY STIPULATED AND AGREED, by and between the parties through their undersigned counsel of record, the following:

1. Plaintiffs' designated expert, Steven M. Burke, is withdrawn as an expert and no party will introduce any opinions or testimony from Steven M. Burke at trial;

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2. The parties further stipulate and agree that no party may introduce any testimony, reference, or evidence regarding Charles Wyman's tattoos, including the number of tattoos he had on his body and/or the description and/or type of tattoos he had on his body at trial;
3. The parties further stipulate and agree that no party may introduce any testimony, reference, or evidence regarding Jennifer Wyman's recreational marijuana use at trial; and
4. The parties further stipulate and agree that no party may introduce any testimony, reference, or evidence regarding "The Chuck Wyman Memorial Fund" (a Go Fund Me fund) at trial.

Respectfully submitted,

Dated this 27th day of January, 2023,

BARRON & PRUITT, LLP

/s/ Joseph Meservy

 WILLIAM H. PRUITT, ESQ.
 Nevada Bar No. 6783
 JOSEPH R. MESERVY, ESQ.
 Nevada Bar No. 14088
 3890 West Ann Road
 North Las Vegas, Nevada 89031
*Attorneys for Defendant
 Smart Industries Corporation*

Dated this 27th day of January, 2023,

EGLET ADAMS

/s/ Brittney Glover

 TRACY A. EGLET, ESQ.
 Nevada Bar No. 6419
 BRITTNEY GLOVER, ESQ.
 Nevada Bar No. 15412
 400 South 7th Street, 4th Floor
 Las Vegas, Nevada 89101
Attorneys for the Wyman Plaintiffs

Dated this 27th day of January, 2023,

CLIFFW. MARCEK, PC

/s/ Cliff Marcek

 CLIFF W. MARCEK, ESQ.
 Nevada Bar No. 5061
 411 E. Bonneville Ave., Suite 390
 Las Vegas, Nevada 89101
*Attorneys for Plaintiffs
 Sara Rodriguez and Jacob Wyman*

Dated this 27th day of January, 2023,

DUBOWSKY LAW OFFICE, CHTD.

/s/ Peter Dubowsky

 PETER DUBOSWKY, ESQ.
 Nevada Bar No. 4972
 300 South Fourth Street, Suite 1020
 Las Vegas, Nevada 89101
*Attorneys for Plaintiff
 Wesco Insurance Company*

BARRON & PRUITT, LLP
 ATTORNEYS AT LAW
 3890 WEST ANN ROAD
 NORTH LAS VEGAS, NEVADA 89031
 TELEPHONE (702) 870-3940
 FACSIMILE (702) 870-3950

ORDER

Based upon the Stipulation of the parties hereto, and with good cause appearing therefor,


IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that designated expert, Steven M. Burke, has been withdrawn as a witness and shall therefore be excluded from testifying at trial in these consolidated cases, and no party may introduce opinions or testimony from Steven M. Burke at trial.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that no party may introduce any testimony, reference, or evidence regarding Charles Wyman's tattoos, including the number of tattoos he had on his body and/or the description and/or type of tattoos he had on his body at trial.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that no party may introduce any testimony, reference, or evidence regarding Jennifer Wyman's recreational marijuana use at trial.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that no party may introduce any testimony, reference, or evidence regarding "The Chuck Wyman Memorial Fund" (a Go Fund Me fund) at trial.

DATED this 30th day of January, 2023.


UNITED STATES DISTRICT JUDGE

BARRON & PRUITT, LLP
ATTORNEYS AT LAW
3890 WEST ANN ROAD
NORTH LAS VEGAS, NEVADA 89031
TELEPHONE (702) 870-3940
FACSIMILE (702) 870-3950